

**REMARKS/ARGUMENTS**

Applicants have amended claims 1, 7 and 8 without prejudice or disclaimer. No new matter has been added. Claims 1-11 remain in the application.

In the Specification, the Title of the invention has been changed per the Examiner's suggestion to be more descriptive of the claimed invention and reads as -- TALKGROUP FORMATION VIA INCIDENT BROADCAST FROM DISPATCH CONSOLE --.

**Claim Rejections – 35 U.S.C. § 102**

*Claims 1-3, 7-9 are rejected under 37 U.S.C. 102(e) as being anticipated by Childress et al (US 5,369,783).*

Applicants have amended independent claims 1, 7 and 8 to more clearly define the invention. Claim 1 has been amended to recite: “the dispatch console automatically logging the unit ID of each subscriber units that responds to an incident broadcast and forming a talkgroup of the logged unit IDs for future incident broadcasts, the automatic logging occurring without subscriber user/ dispatcher interaction.” Claim 7, as amended, recites the steps of: “automatically logging a unit ID associated with each of the two-way radios that responded to the incident alert at the dispatch console, the automatic logging occurring without subscriber user/ dispatcher interaction.” Claim 8, as amended, recites the steps of: “automatically grouping, at the dispatch console, the unit IDs associated with each of the subscriber units that responded to the broadcast, the automatic grouping occurring without subscriber user/ dispatcher interaction.”

The Childress reference requires an input to enter the specific feature from the user and/or console operator. Applicants' invention, as claimed, has no user/dispatcher interaction. After a call is dispatched, and the subscriber unit(s) respond to the incident broadcast, the system automatically logs the ID of subscriber units without user/dispatcher

interaction. Thus, Applicants' claimed automatic logging is based on the subscriber unit transmitting after an event has occurred (the dispatching of an incident). A log is thus created for each incident. Accordingly, the rejection of claim 1, 7 and 8 is believed to be overcome. Claims 2, 3, and 9 are dependent claims providing further limitations to what are believed to be allowable independent claims and hence are also in condition for allowance.

**Claim Rejections – 35 U.S.C. § 103**

*Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Childress in view of Burkley et al (US 2004/0070515).*

*Claims 4, 5 and 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Childress in view of Borrás (US 5,175,872).*

Claim 4, 5, 6, 10 and 11 are dependent claims providing further limitations to what are believed to be allowable independent claims. Hence, claims 4-6, 10 and 11 are also in condition for allowance.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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